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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK**

TIMOTHY LOONEY,

Plaintiff(s)

v.

LONGVIEW FUND, L.P., et al.

Defendant(s)

CASE NUMBER:

08 CV 01069

**PROOF OF SERVICE
 SUMMONS AND COMPLAINT**

(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify documents):
 - a. ☒ summons ☒ complaint ☐ alias summons ☐ first amended complaint
☐ second amended complaint
☐ third amended complaint
 - ☐ other (specify):
2. Person served:
 - a. ☒ Defendant (name): LONGVIEW FUND, L.P.
 - b. ☒ Other (specify name and title or relationship to the party/business named):
 SANDEEP BHALLA, Manager on Duty on behalf of Peter Benz, Agent for Service
 - c. ☒ Address where papers were served: 1325 Howard Avenue, #422, Burlingame, CA 94010
3. Manner of Service in compliance with (the appropriate box must be checked):
 - a. ☒ Federal Rules of Civil Procedure
 - b. ☐ California Code of Civil Procedure
4. I served the person named in Item 2:
 - a. ☐ By **Personal service**. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.
 1. ☐ Papers were served on (date): _____ at (time): _____
 - b. ☒ By **Substituted service**. By leaving copies:
 1. ☐ (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
 2. ☒ (business) or a person apparently in charge of the office of place of business, at least 18 years of age, who was informed of the general nature of the papers.
 3. ☒ Papers were served on (date): 04/28/2008 at (time): 12:42 p.m.
 4. ☒ by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).
 5. ☒ papers were mailed on (date): 04/28/2008
 6. ☒ due diligence. I made at least three (3) attempts to personally serve the defendant.

PROOF OF SERVICE - SUMMONS AND COMPLAINT

- c. ☐ **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of Summons and Complaint**).
- d. ☐ **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h)) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service**).
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. ☐ **Other** (specify code section and type of service):

5. Service upon the **United States, and Its Agencies, Corporations or Officers.**

- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.

Name of person served:

Title of person served:

Date and time of service: (date): _____ at (time): _____

- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (*name, address and telephone number*):

Dolores Smith
JGI Incorporated (949) 724-9396
2082 S. E. Bristol Street, Suite 215
Newport Beach, CA 92660
Registered in San Mateo County
Registration No. 405

a. Fee for service: \$ 150.00

b. ☐ Not a registered California process server


c. ☐ Exempt from registration under B&P 22350(b)

d. ☒ Registered California process server

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 04/29/2008


(Signature)

PROOF OF SERVICE - SUMMONS AND COMPLAINT

JGI INCORPORATED
DECLARATION RE: DILIGENCE TO EFFECT PERSONAL SERVICE

ATTORNEY NAME AND ADDRESS

HAYNES AND BOONE, LLP
JASON NAGI (JN 6891)
153 EAST 53RD STREET, SUITE 4900
NEW YORK, NY 10022

NAME OF COURT, JUDICIAL DISTRICT OR BRANCH

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PLAINTIFF: TIMOTHY LOONEY

CASE NO.: 08 CV 01069

DEFENDANT: LONGVIEW FUND, L.P., et al.

I, Dolores Smith, declare as follows:

I am a process server, registered, licensed and bonded in the County of San Mateo, State of California, Registration No. 405. I am an independent contractor of JGI Incorporated, located at 2082 S.E. Bristol Street, Suite 215, Newport Beach, California 92660.

On 04/21/2008, I received a copy of the United States District Court Summons and Complaint, for service. After due search, careful inquiry and diligent attempts at the usual place of business, I have been unable to make personal service upon LONGVIEW FUND, L.P., by serving Peter Benz, Registered Corporate Agent for Service of Process. Personal service was attempted at the defendant's business address as follows and the defendant was not available.

Business Address: 1325 Howard Avenue, #422, Burlingame, CA 94010

1. 04/21/2008 at 12:00 p.m. - Address given is a private mail service The UPS Store. Confirmed that Defendant has an active box here #422.
2. 04/24/2008 at 2:05 p.m. - No one in able to accept service of process
3. 04/25/2008 at 1:00 p.m. - No one in able to accept service of process
4. 04/28/2008 at 12:42 p.m. - Served documents on Sandeep Bhalla, Manager of The UPS Store. Copies mailed from Burlingame, California

I declare under penalty of perjury that the foregoing is true and correct.
Executed on 05/05/2008, at Newport Beach, California.


(signature)

DECLARATION RE: DILIGENCE TO EFFECT PERSONAL SERVICE